

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SANDRA BUTLER; RICKY GIBSON;
O'BRIEN MORRIS; RICHARD EMMETT;
ROSELLE DIAZ; KEVIN FAISON;
SHANIQUA JACKSON; CENTER FOR
INDEPENDENCE OF THE DISABLED, NEW
YORK AND COALITION FOR THE
HOMELESS,

Case No. 15-CV-3783

Plaintiffs,
for themselves and on behalf of all others
similarly situated

- against -

CITY OF NEW YORK, THE NEW YORK
CITY DEPARTMENT OF HOMELESS
SERVICES and STEVEN BANKS, as
Commissioner of the New York City Department of
Homeless Services,

Defendants.

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**PLAINTIFFS' EMERGENCY MOTION TO AMEND THE PRELIMINARY
INJUNCTION**

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Pursuant to Fed. R. Civ. P. 65, Plaintiffs respectfully move the Court for an immediate amendment of the existing preliminary injunction against Defendants (ECF No. 97, converting the temporary restraining order set forth in ECF No. 94 into a preliminary injunction), enjoining them from involuntarily moving any class member from a density hotel until Defendants can present to the Court a credible staffing and training plan, and schedule that ensures that any future moves will be conducted in compliance with the Preliminary Injunction's and the Stipulation's requirements. Since resuming their moves of class members out of hotels following entry of the temporary restraining order and preliminary injunction, Defendants have repeatedly violated the requirements of the preliminary injunction by moving class members without the required notice and/or the required individualized meetings. Absent injunctive relief, Defendants' conduct will cause Plaintiffs to incur immediate and irreparable injury, loss, or damage. A memorandum in support follows and is incorporated by reference.

Dated: August 3, 2021
New York, New York

Respectfully Submitted,

/s/ Joshua Goldfein

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